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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,476	08/16/2001	Andrew A. Poggio	SUN-P5933-NAK	2964
22200	7590	09/21/2005	EXAMINER	
PARK, VAUGHAN & FLEMING LLP 39180 LIBERTY STREET SUITE 103 FREMONT, CA 94538			STRANGE, AARON N	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/931,476

Applicant(s)

POGGIO ET AL.

Examiner

Aaron Strange

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-12 and 14-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-12 and 14-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02282005
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. The Examiner would like to note that the present application has been reassigned to a new Examiner.

Response to Arguments

2. Applicant's arguments filed 7/5/2005 have been fully considered but they are not persuasive.

3. With regard to claim 22, and Applicant's assertion that "Epps thus uses a single timer, and therefore does not require or include a timer unit that 'manage[s] a set of timers', as recited in, for example, claims 13 and 22" (Page 9, Lines 1-2 of Remarks filed 7/5/2005), the Examiner respectfully disagrees. It should be noted that a single timer meets the limitation "a set of timers", since a set may contain only a single element and still be a valid set. If Applicant wishes to require that the timer unit manage multiple timers in claim 22, it should be amended to reflect such a limitation, as was done in the remaining independent claims.

4. Applicant's arguments with respect to claims 1-7, 10-12, 14-21, and 29-33 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. The rejection of claims 22-26, and 28 under 35 USC 102(e), presented in the Office action of 12/14/2004, are MAINTAINED, since those claims have not been substantially amended, and Applicant's arguments with respect to those claims are not persuasive.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The rejection of claim 27 under 35 USC 103(a), presented in the Office action of 12/14/2004, is MAINTAINED, since the claims has not been amended, and Applicant's arguments with respect to that claim are not persuasive.

Art Unit: 2153

9. Claims 1-7, 10, 11, 12-21, 29, and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epps et al. (US 6,721,316) in view of Fiacco et al. (US 5,659,720).

10. With regard to claim 1, Epps discloses protocol processor (Fig 1, 130) for processing electronic communications, comprising:

a communication interface configured to receive an inbound communication from a communication link (Fig 1, 111) and send an outbound communication to the communication link (Fig 1, 112);

a data distribution interface (fabric interface)(Fig 1, 170) configured to receive outbound data (Fig 1, 114) from a communication entity (switch fabric) and send inbound data (Fig , 113) to the communication entity (Fig 1, 120); and

a first protocol processing element configured to extract said inbound data from said inbound communication and generate said outbound communication from said outbound data (Col 3, Lines 21-29), wherein said protocol processing element comprises:

a register file for storing one of:

said inbound communication as said inbound data is extracted (Fig 12, 240; Col 6, Lines 3-6; Col 7, Lines 7-14); and

said outbound data as said outbound communication is generated (Fig 15, 280; Col 7, Lines 57-60);

a parse unit for retrieving data from said inbound communication (Fig 2, 215; Col 5, Lines 50-52);

a lookup unit configured to use said retrieved data to identify a first control block indicating how to extract said inbound data (Fig 4, 430; Col 6, Lines 34-37);

a control block cache configured to cache said first control block (Fig 4, 760; Col 6, Lines 34-37);

a timer unit configured to manage a timer associated with a communication stream involving said communication entity (Col 31, Lines 51-52); and

a modification unit configured to perform said extraction and said generation (Fig 2, 215; Col 5, Lines 50-52).

However, Epps fails to specifically disclose that the timer unit is configured to manage multiple timers associated with a communication stream.

Fiacco discloses a timer unit configured to manage multiple timers associated with a communication stream. Each timer of the plurality of timers determines when an event has occurred or failed to occur (Col 2, Lines 53-56), such as the failure of a second device to respond to a first device as expected (Col 1, Lines 15-17). This would have been an advantageous addition to the system disclosed by Epps since it would have allowed multiple timers to be maintained simultaneously, allowing data to be exchanged at high speeds.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a timer unit capable of managing multiple timers, since this would have allowed many attributes of a communication stream to be timed

Art Unit: 2153

simultaneously, such as retransmission timeouts for all outstanding packets, allowing data to be transferred at higher rates of speed.

11. With regard to claim 2, Epps further discloses that said register file comprises one or more registers (Fig 12, 245).

12. With regard to claim 3, Epps further discloses that a first register in said register file is not smaller than said inbound communication and is configured to store said inbound communication (Col 7, Lines 17-20).

13. With regard to claim 4, Epps further discloses that a first register in said register file is not smaller than said outbound data and is configured to store said outbound data intact (Col 7, Lines 17-20).

14. With regard to claim 5, Epps further discloses that a first register in said register file stores a portion of said inbound communication (Col 5, Lines 54-55) for said extraction and a second register in said register file stores said outbound data for said generation (Col 7, Lines 57-60).

15. With regard to claim 6, Epps further discloses that said inbound communication is a packet (Col 5, Lines 50-52).

Art Unit: 2153

16. With regard to claim 7, Epps further discloses a second protocol processing element (Fig 2, 220).

17. With regard to claim 10, Epps further discloses a data streaming unit configured to stream said inbound communication into said register file (Fig 12, 1210; Col 7, Lines 15-17).

18. With regard to claim 11, Epps further discloses that said data streaming unit is further configured to stream said outbound communication out of said register file (Fig 12, 1210; Col 7, Lines 15-17).

19. Claims 12-21, 29, and 30-33 are rejected under the same rationale as claims 1-7, 10, and 11, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

20. With regard to claim 34, Fiacco further discloses resetting said timer (Col 3, Lines 38-41).

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AS
9/15/2005



KRISNA LIM
PRIMARY EXAMINER